



**TERMINAL DISCLAIMER TO OBLIVIATE A  
PROVISIONAL DOUBLE PATENTING REJECTION  
OVER PRIOR PATENTS**

Docket No.  
38-21(15347)C

In re Application of: Martinell et al.

Application No.: 10/029,374

Filed: December 20, 2001

For: SOYBEAN TRANSFORMATION METHOD

Petitioner, MONSANTO TECHNOLOGY LLC, is sole owner of an **undivided 100 percent** interest in the application identified above and US. **6,384,301**. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 on patent US. **6,384,301**, issued on **May 7, 2002**. Petitioners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the issued patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the issued second patent, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary assignment documents and certifies that, to the best of his knowledge and belief, the title of the instant application as well as that of U.S. **6,384,301** are in the name of MONSANTO TECHNOLOGY LLC.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4/11/05

By: TDS

M. TODD RANDS, REG. NO. 46,249  
MONSANTO TECHNOLOGY LLC

CORPORATE COUNSEL, ATTORNEY FOR  
Title ASSIGNEE

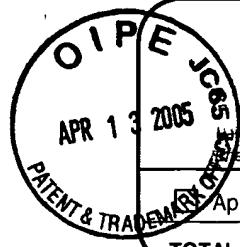
⊗ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) should be charged to Monsanto Deposit Account No. 13-4125..

⊗ PTO suggested wording for terminal disclaimer was:

unchanged.  changed (if changed, an explanation should be supplied).

Paragraph in bold added to denote compliance with 37 C.F.R. § 3.73

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130)

Complete if Known	
Application Number	10/029,374
Filing Date	December 20, 2001
First Named Inventor	Brian J. Martinell
Examiner Name	Georgia L. Helmer
Art Unit	1638
Attorney Docket No.	38-21(15347)C

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money  Other  None  
Order

 Deposit Account:Deposit  
Account  
Number

13-4125

Deposit  
Account  
Name

Monsanto Company

## The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fees under 37 CFR 1.16 and 1.17  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims		-20 **	= 0	X 0 = 0
Independent Claims		-3 **	= 0	X 0 = 0
Multiple Dependent				

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
Other fee (specify) <u>Terminal Disclaimer</u>					130.00
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$130)
4. SEARCH/EXAMINATION FEES					
1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	
SUBTOTAL (4) (\$0)					

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	M. Todd Bands	Registration No. (Attorney/Agent)	46,249	Telephone	314-694-5802
Signature				Date	4/11/05

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